

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-211445**DATE:** July 11, 1983**MATTER OF:** Photica Inc.**DIGEST:**

protest by a firm that would not be in line for award if the protest were upheld is dismissed because the firm is not an interested party under GAO Bid Protest Procedures.

Photica, Inc. protests the award of a contract to Clayton Chemical Corporation under request for proposals No. DLA400-83-R-0965 issued by the Defense Logistics Agency (DLA) for photographic fixing bath. Photica contends that Clayton's proposal contains misrepresentations concerning its affiliations with other corporate entities, its status as a minority business enterprise, and its eligibility for a labor surplus area preference. Photica further contends that DLA treated Clayton preferentially by approving Clayton as a new source of the fixing bath more quickly than it approved Photica as a source last year. Last, Photica contends that Clayton's price is so low that it cannot competently and responsibly perform the contract.

We will not consider these contentions.

Under our Bid Protest Procedures a party must be "interested" in order to have its protest considered by our Office. 4 C.F.R. § 21.1(a) (1983). We have consistently held that a party is not interested if it would not be in line for award if its protest were upheld. See Pluribus Products Inc., B-210444, March 7, 1983, 83-1 CPD 226; Ven-Tel, Inc., B-204233, March 8, 1982, 82-1 CPD 207. The record indicates that DLA received three offers from approved sources with Clayton submitting the low offer, Phillip A. Hunt Chemical Co. submitting the next low offer and Photica submitting the high offer. Since award is to be made to the supplier of an approved product that submits

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the lowest price, Photica would not be in line for award if the protest were sustained and, consequently, it is not an interested party.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel